EXPLANATION OF

27

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والعاقبة للمتقين، والصلاة والسلام على عبده ورسوله وخليله وصفوته من خلقه، نبينا وإمامنا وسيدنا محمد، وعلى آله واصحابه ومن سلك سبيله واهتدى بهداه الى يوم الدين، اما بعد:

Recap

We're on the nullifiers of Wudū'. The author said there are 8 nullifiers. The author رحمه الله تعالى said:

والنواقض في الطهارة الصغرى ثمانية: الخارج من السبيلين، والفاحش من غيرهما

الخارج من السبيلين, anything exiting from the two private parts. Second of all, والفاحش من غيرهما, what exits from other than the two private parts that's repulsive. The third nullifier of Wudū' is what pertains to sleeping, وزوال العقل بغير نوم يسير جالسا أو قائما. The fourth one is ومس الفرج, touching the private parts. We took 6 main Masā'il under that. The fifth nullifier of Wudū' is والمرأة لشهوة, touching a woman with desire — ومس الفرج والمرأة لشهوة, touching the private parts and touching a woman with desire. We took, under the fifth nullifier, the Mas'alah of whether touching a woman actually nullifies Wudū', and then the follow-up Mas'alah, the Mas'alah of the one being touched,

whether their Wudū' is nullified. That's where we left off in our last Halaqah and we've completed with that the fifth nullifier, Alhamdulillāhi Rabb Al-'Ālamīn for that.

Today inshā'Allāh, we'll start on the sixth nullifier which is:

وأكل لحم الإبل

eating the meat of a camel.

Nullifier #6 – وأكل لحم الإبل

Does eating the meat of a camel nullify Wudū'? And notice, the term 'meat' here, وأكل لحم الإبل — لحم. The لحم here, that's an important term because there is a Mas'alah that's based on that, and we'll get to that inshā'Allāh. And this Mas'alah, this issue, is among the Masā'il or issues that are referred to as the Masā'il that are from Mufradāt Al-Madhhab Al-Hanbali. What does that mean? It's among the Masā'il where the official opinion of the Hanbali Madhhab is different than all three of the other Madhāhib. So the Hanbali Madhhab is different than the Hanafi Madhhab, the Shafi'ī Madhhab, and the Māliki Madhhab on this matter. So if the official opinion of the Hanbali Madhhab goes against the official opinion of all three of the other Madhāhib, it will be referred to as among the Masā'il that are from Mufradāt Al-Madhhab Al-Hanbali. If it's an opinion

within the Hanbali Madhhab — we said before that the Hanbali Madhhab has different opinions within the same Mas'alah at times, and we saw that in practice in many of the Masā'il that we took. Many Madhāhib have that, more so in the Hanbali Madhhab. So if it's an opinion within the Hanbali Madhhab, *not* the official one, and it goes against the three Madhāhib, it would *not* be considered among the Mufradāt of the Madhhab.

The term Mufradāt is used by other Madhāhib as well, meaning it's not a specific term known and used only by the Hanbali Madhhab, it's used by the other Madhāhib as well. So if the Shāfi'ī's main, official opinion goes against the rest of the three Madhāhib, we would say it's among Mufradāt Al-Madhhab Ash-Shāfi'ī. And there are many books written about the Mufradāt within each Madhhab. As it pertains to the Hanbali Madhhab, there are many books written about it both in the past and present. Some even wrote poetry, like a Matn just specifically for the Mufradāt of the Madhhab of the Hanābilah, so that it can easily be memorized and studied and taught. And keep in mind, just because it's considered among the Mufradātul of the Madhhab, that doesn't make it weak. Sometimes, what's referred to as the Mufradāt of a Madhhab turns out to be the Rājih, because that's what the proofs support, and actually this Masa'lah is an example on that as well. It's an example on a Mas'alah being among the Masā'il that are from Mufradāt Al-Imām Ahmad first of all, and this is also an example where it's considered the Rājih as well. It's the minority opinion within the four Madhāhib, but it's the Rājih as well.

Some Mufradāt may be the minority opinion as it pertains to the four Imāms, since it's one versus three, but when you look at it from a broader perspective, it may be at times the opinion of the majority of the Salaf. Recently there was a study — it's a

compilation, and it turned out to be a ten-volume study released by the Muhammad Bin Sa'ūd University — which was a compilation of recent research of the Mufradāt of the Hanbali Madhhab. They studied the Masā'il and they went to the Masā'il to check on these Mufradāt. First of all, is this the opinion considered the main opinion of the Madhhab? If that checks out, then the next issue is, is this opinion against the opinion of the three Madhāhib — their official opinions? Meaning, if one of them, just one of them, joins in with the Hanbali [opinion] on that matter, it's no longer considered among the Mufradāt. So, is it really the Hanbali Madhhab *alone* in this Mas'alah versus the three other Madhāhib? If all that checks out, then they go to the Mas'alah itself and analyze its details. That recent, ten-volume study is probably the largest study of the Mufradāt of any Madhhab. There are books written on the Mufradāt of the Shāfi'ī Madhhab and likewise, on the Māliki Madhhab, but I don't think any Madhhab had any work as comprehensive as this ten-volume study والله أعلم.

So now let's take our Mas'lah here. Does eating the meat of a camel nullify the Wudū'? And the simple answer to that is, yes, because the proof supports that. Now let's get into the detailed discussion.

- There are two opinions on this matter. The first opinion is the Jumhūr. Since we said it's among the Mufradāt of the Hanābilah, who would the Jumhūr be here? Hanafiyyah, Mālikiyyah, and Shāfi'īyyah. So the Hanafiyyah and Mālikiyyah and Shāfi'īyyah say eating the flesh of a camel does not nullify the Wudū' — and as it pertains to the Shāfi'īyyah, this is a new opinion of Ash-Shāfi'ī and the opinion adopted by the Madhhab, the official opinion of the Madhhab. The proof on that is what's been related in Sunan Abu Dawūd an An-Nasā'i:

عَنْ جَابِرٍ، قَالَ كَانَ آخِرُ الأَمْرَيْنِ مِنْ رَسُولِ اللَّهِ (ﷺ) تَرْكَ الْوُضُوءِ مِمَّا غَيَّرَتِ النَّارُ

"The last practice of the Messenger (ﷺ) was that he didn't perform Wudū' from anything that was cooked on fire." How is that proof here? They said the last practice of the Messenger (ﷺ) was that he didn't make Wudū' from that which was cooked on fire, and that's broad. That includes the camel's meat, so there is no Wudū' needed. That's the first proof. We'll talk about that at the end inshā'Allāh.

The second proof is Qiyās, they used analogy. They compared the meat of a camel to the meat of a sheep. They said we don't make Wudū' after eating the meat of a sheep, so we don't need to make Wudū' from eating the meat of a camel. They said both of those are nearly identical in other Ahkām — in other rulings, both of those are nearly identical — so why are you differentiating in this specific detail here pertaining to Wudū'? The answer to that is Ibn Taymiyyah رحمه الله تعالى said that type of Qiyās that they did — comparing the camel's meat to the sheep's meat in this matter, in this specific matter — he said that type of Qiyās is like what Allāh سبحانه وتعالى mentioned in the Qur'ān:

إِنَّمَا ٱلْبَيْعُ مِثْلُ ٱلرِّبَوٰا۟ ۗ وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰا۟

Ibn Taymiyyah رحمه الله تعالى said that type of Qiyās (analogy) is the analogy of those who when Allāh سبحانه وتعالى said Ribā is haram, they put their input, they

gave their input, they did their Qiyās, their analogy, they said "Trading is like Ribā" to try and justify that Ribā is okay. Allāh سبحانه وتعالى said,

إِنَّمَا ٱلْبَيْعُ مِثْلُ ٱلرِّبَوٰا۟ ۗ وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰا۟

The answer from Allāh is "Allāh permitted trading and He forbid Ribā." Likewise, Allāh سبحانه وتعالى ordered Wudū' from a camel's meat and He didn't order it from other types of meat. Ibn Al-Qayyim رحمه الله تعالى, commenting on that and said that's the worst kind of Qiyās. So, so far we have the Hadīth as proof, Hadīth Jābir in Sunan Abu Dawūd and we have Qiyās.

A third proof they used, the Jumhūr used, they said this is a common, widespread matter. People always ate meat from a camel. It was a constant, ongoing, widespread matter, they always did it. So, we can't accept it through a Ahādīth Ahād and it's been related to us through Ahādīth Ahād. In the past, we took a response to a matter identical to this, so there's no need to go over it again. We took in a previous class a response to those who refuse to take Ahādīth Ahād in matters that they claim are common and widespread and known. We responded to that completely and there is no need to go over that again. I just want to add one thing that Ibn Hazm رحمه الله تعالى said specifically about this issue here. He said it's Hamāqah — it's nonsense, it's stupidity — to allege that we don't take Ahādīth Al-Ahād in matters that are common and widespread. He said when someone has intercourse with his wife, without actual intercourse — without the discharge of Maniy — he must make Ghusl from it of course. Ibn Hazm said he called it Hamāqah because Ghusl from intercourse without the discharge of

Maniy is something the majority of the Sahābah didn't know and it was widespread and common.

The fourth proof for the Jumhūr, who say there's no Wudū' after eating a camel's meat, is what's been related in Musannaf Ibn Abi Shaybah from 'Ikrimah from Ibn 'Abbās رضي الله عنهما:

إنما الوضوء مما خرج وليس مما دخل

This is a statement by Ibn 'Abbās رضي الله عنهما. They said, "Wudū' is from what exits or is a discharge, not from what enters." Meaning, discharge of urine or feces and similar discharges nullify Wudū', but not from entry, like consuming food. He said that is not a nullifier of Wudū'. In Musannaf 'Abd Ar-Razzāq, there's a very similar statement by Ibn 'Umar رضي الله عنهما. Those statements, the statements of Ibn 'Abbās رضي الله عنهما and Ibn 'Umar رضي الله عنهما, appear to be authentic. There are other similar statements by other Sahābah like Ibn Mas'ūd and 'Ali رضي الله عنهم that are weak. There is also an Athar or two Āthār that Ibn 'Umar and 'Ali رضي الله عنهما ate from the camel's meat and then went and made Salāh without making Wudū'. That's weak as well. That's the overall proof for the first opinion.

- The second opinion is that it nullifies the Wudū', and of course this is the opinion of the Hanābilah. It's also the opinion of Ash-Shāfi'ī, the old opinion of Ash-Shāfi'ī. Had it been the official opinion of the Shāfi'īyyah or the new opinion of Ash-Shāfi'ī, this Mas'alah would not be referred to or labelled as those among the

Mufradāt of the Hanābilah. And also, some 'Ulamā' of the Shāfi'īyyah adopted this opinion. They went along with the Hanābilah in this opinion and didn't choose their own Madhhab's opinion on this matter, like An-Nawawi. But even though some of the Ulamā' of the Shāfi'īyyah adopted this opinion, it still is not considered the official opinion of the Madhhab of the Shāfi'īyyah and that's why it remains or still falls under what's referred to as the Masā'il that are Mufradāt Al-Madhhab Al-Hanbali. Among the Ulamā' of the Shāfi'īyyah who adopted it is Al-Khattābi and Al-Bayhaqi and An-Nawawi and Abu Bakr Ibn Khuzaymah and Ibn Al-Mundhir, and other Ulamā' who also adopted this opinion are Ibn Taymiyyah and Ibn Al-Qayyim and As-San'āni and Ash-Shawkāni, and their proof is the clear proof that's in Sahīh Muslim, Hadīth Jābir Ibn Samurah,

أن رجلا سأل رسول الله (ﷺ) أأتوضأ من لحوم الغنم؟ قال: إن شئت فتوضأ وإن شئت فلا توضأ. قال أتوضأ من لحوم الإبل؟ قال: نعم فتوضأ من لحوم الإبل

That's our point here. A man asked the Messenger (ﷺ) "Do I need to make Wudū' when eating the meat of a sheep?"

أأتوضأ من لحوم الغنم؟ قال: إن شئت فتوضأ وإن شئت فلا توضأ

The Messenger (ﷺ) said, "If you want to make Wudū', go ahead and make it. If you don't wish to, you don't have to make Wudū'." That's pertaining to the meat of a sheep. So then he asked about the meat of a camel, "Do I need to make

Wudū' after eating the meat of a camel?" The Messenger (ﷺ) said "Yes, perform Wudū' after eating the flesh of a camel." You'll notice how he gave the choice when it pertained to the meat of a sheep, but when he asked about the meat of a camel, the Messenger (ﷺ) said yes, you have to make Wudū'. Strong clear proof on this matter.

The second proof is Hadīth Al-Barā' Ibn 'Āzib:

قال سئل رسول الله (ﷺ) عن الوضوء من لحوم الإبل فقال: توضئوا منها

Sunan Abu Dawūd, An-Nasā'i, Ibn Mājah, and in Musnad Ahmad. The Messenger (ﷺ) was asked about performing Wudū' from eating a camel's meat. He said "Perform Wudū' from it." From consuming it, eating it.

Al-Imām Ahmad and Ishāq Ibn Rāhaway and Al-Bayhaqi said there are two authentic Ahādīth as proof on this matter. Those two that they're referring to are Hadīth Jābir ibn Samurah and Hadīth Al-Barā'. There are also other narrations that support this opinion, they're weak, so there's no need to mention them.

Responses and Rebuttals

So this Mas'alah boils down to Hadīth Jābir Ibn Samurah, and Hadīth Al-Barā' for the opinion of the Hanābilah that you must make Wudū' after eating the meat of a camel. That's the first opinion, that's their proof in summary. Clear statement, you can't

doubt the proof because it's in Sahīh Muslim, where the Messenger (ﷺ) clearly ordered Wudū' from eating the meat of a camel.

The second group that doesn't consider eating the meat of a camel a nullifier, their main proof is Hadīth that states that the last practice of the RasūlAllāh (ﷺ) was that he didn't perform Wudū' after eating anything that was cooked on fire. And they say the Messenger (ﷺ) didn't make Wudū' from eating what's cooked on fire, and that includes the meat of a camel, okay, among the other proof that we mentioned for them. Okay, the Jumhūr here (the majority), what do they have to say about a clear Hadīth that's in Sahīh Muslim? It clearly states that you must make Wudū' from eating the meat of a camel and likewise Hadīth of Al-Barā' رضي الله عنه They have some arguments.

First of all, they said the Wudū' in the Ahādīth ordering Wudū' from eating a camel's meat is not the Shar'ī Wudū'. It's just washing the hands. And the response to that is, first of all, it's something we took in a previous class if you remember. The first response is that the origin to go by when terms like this are mentioned in the Hadīth, is to go by the Shar'ī meaning. The Shar'ī meaning is Wudū', the 'Ibādah of Wudū' we do before Salāh. If you can't use the Shar'ī meaning for some reason, or there is proof changing it to the linguistic meaning, we'll go by the linguistic meaning. Here, there is no solid ground or reason or proof changing it from the Shar'ī meaning to the linguistic meaning. That's the first response.

Another response is that the person asking about the meat of a camel asked another question after that about Salāh. He asked a follow up question.

أُصَلِّي فِي مَرَابِضِ الْغَنَمِ؟

The Sahābi رضي الله عنه asked a question after that. He said, "Can I make Salāh in the sheepfolds?" What's our point here? Asking the follow up question pertaining to Salāh supports the fact that Wudū' in the earlier question, in the previous question pertaining to the meat of a camel, is the Wudū' of As-Salāh, not the Wudū' of washing the hands. Asking a follow up question pertaining to Salāh in sheepfolds supports the fact that Wudū' in the earlier question, pertaining to eating the meat of a camel, is not the linguistic Wudū' of washing the hands, but rather the Wudū' of Salāh, the Shar'ī meaning of Wudū'.

A third point that supports that the Wudū' is the Shar'ī Wudū' is the question in the same Hadīth, the first question in the Hadīth. The first question in the Hadīth is

أَأَتَوَضَّأُ مِنْ لُحُومِ الْغَنَمِ؟ قَالَ إِنْ شِئْتَ.

Before asking about the meat of a camel, there was the question of "Must we perform Wudū' after eating the flesh of a sheep." The Messenger (ﷺ) said, "If you wish you can perform Wudū', if you don't want to you don't have to perform Wudū'." So some of the Ulamā' said if Wudū' here was just merely washing hands from eating a camel's meat, then washing your hands from the meat of a sheep is more prioritized because they said the meat of the sheep has more fat, more grease, so washing the hands is more essential. Yet the Messenger (ﷺ) only said if you wish, if you want to, unlike the firm command when he was asked about the Wudū' from a camel's flesh. So it's not the

linguistic meaning of Wudū' which is washing the hands, it's the 'Ibādah that we do in order to perform Salāh.

The Jumhūr didn't stop here. This wasn't their only argument. The second argument is that they said that the Ahādīth ordering Wudū' from eating the meat of a camel are abrogated. We have Naskh in Islām. And they said that Ahādīth that ordered Wudū' from eating the meat of a camel are abrogated. What are they abrogated by? They said Hadīth Jābir — كَانَ آخِرُ — the *last* matter, the *last* practice.

كَانَ آخِرُ الأَمْرَيْنِ مِنْ رَسُولِ اللَّهِ (ﷺ) تَرْكَ الْوُضُوءِ مِمَّا غَيَّرَتِ النَّارُ

The last practice — آخِرُ الأَمْرَيْنِ — the last practice or the method of the Messenger (ﷺ) was that he didn't perform Wudū' from anything that was cooked on fire. Anything cooked on fire, he (ﷺ) would eat it, and didn't perform Wudū'. They said that is a broad Hadīth, everything, *everything* cooked on fire, which includes the meat of a camel.

Now there are responses to this. The responses are to what? Their argument that the Ahādīth ordering Wudū' from eating the camel's meat are abrogated. The first response is, when authentic proofs appear to contradict — and notice I always say 'appear' to contradict when it pertains to authentic proof. I say 'appears'. Why? Because authentic proof never contradicts, it's impossible that they contradict. It *appear*s to contradict because of the shortcomings in our ability to understand and analyze them. When authentic proofs appear to contradict, you don't resort to the claim of abrogation — of Naskh — unless you can't combine between them. Because Jam'i — which is combining between the proofs that appear to be contradicting — is what's

given precedent over Naskh. Why? Because when you combine between the authentic proofs — if it's possible — you end up using *both* of those authentic proofs. If you say Naskh, you're only using one of them. That's the first argument.

The second response to their allegation that eating the meat of a camel is Mansūkh, it's abrogated, is that in order to allege Naskh (that it's abrogated) you need to know which Hadīth was before the other, and here, that's not clear. The Hadīth you say is abrogated must come after the one it abrogates. Here they're saying Hadīth Jābir, the one that stated that the last practice of the Messenger (ﷺ) was that he did not perform Wudū' after eating that which is cooked with fire, they said that Hadīth abrogates the Ahādīth where the Messenger (ﷺ) ordered that we make Wudū' from eating the meat of a camel. Hadīth Jābir, had it been a proper abrogation (Naskh), would have to come after the Hadīth ordering Wudū' from eating the meat of a camel. Ibn Qudāmah رحمه الله تعالى said the Hadīth requiring Wudū' from eating the camel's meat came after Hadīth Jābir or at the same time. So from the rules of Naskh (abrogation) is that the proof abrogating must be the latter proof, and there is ways to know that. Sometimes you are not able to know that. So from the rules of Naskh (abrogation) is that the proof abrogating must be the latter proof, it can't come with it or before it.

من شروط النسخ تأخر الناسخ

Another response, a third one, to their claim that Wudū' from eating the meat of a camel is abrogated: This response is that ordering Wudū' from eating the meat of a camel is not because it's cooked or not cooked. It's simply because it's meat of a camel. They are two totally different Ahādīth and two different issues. A camel's meat nullifies

Wudū' whether it's cooked or if you eat it raw. Hadīth Jābir is talking about Wudū' not being required from what's cooked with fire, so it doesn't apply here. You can't do partial Naskh and apply it to the other half. If you say a camel's cooked meat is abrogated by Hadīth Jābir, because it's talking about cooked meat not nullifying Wudū', that still leaves out the raw meat. That doesn't abrogate flesh of a camel that's eaten raw. So due to the partial Naskh there that they allege, abrogation doesn't work. The Naskh doesn't work here.

Another response, a fourth response, is Hadīth Jābir رضي الله عنه is stating that Wudū' is not required from eating meat cooked on fire. That's broad, it's general. Hadīth Jābir is talking about Wudū' not being required from eating meat that's cooked on fire, it's a general broad Hadīth. Okay. Hadīth Al-Barā' ordered Wudū' from eating the meat of a camel is specific. It's like an exception. There is no need for Naskh. There is no need for the argument that it abrogates or not because both of those Ahādīth are used together. There is no need for Naskh because both of those Ahādīth can be used together. Hadīth Jābir رضي الله عنه the last practice of the Messenger (ﷺ) was that he didn't perform Wudū' from eating what's cooked on fire. It's broad, it's general. You don't need to make Wudū' from that which is cooked. Hadīth Al-Barā' رضي الله عنه is specific, it specifies or exempts the meat of a camel. That way you use both of those Ahādīth, a general Hadīth and a specific one. They're used together and that eliminates the need for the argument of Naskh.

Finally, what about the statements of some of the Sahābah رضي الله عنهم? Some are authentic, some are not. The statements where they say that Wudū' is from that which exits the body, not that which enters. There are two responses to this. If you say entry

is not a nullifier, it's only that which exit's the body, what's discharged from the body, then we'll counter that and argue and say there is an exemption or an exception to that. That statement that they said, there is an exemption or an exception to that, and it's eating the meat of a camel, because of the Hadīth that's in Sahīh Muslim. A second response — and look at how they were free from Ta'assub. The official Madhhab of the Shāfi'īyyah, we know it, is that eating the camel's meat does not nullify Wudū'. Al-Bayhaqi, he's Shāfi'ī, he said in response to these Āthār — the statements of the Sahābah like that of 'Ali, Ibn 'Abbās رضي الله عنهم that Wudū' is only required from that which exit's not from that which enters — he said pertaining to those statements of the Salaf, it's something we don't leave the Ahādīth of RasūlAllāh (ﷺ) for. So he went against his own Madhhab in this matter and then he said yes, there is an Āthār here, but we don't leave the Ahādīth for those statements of the Sahābah رضي الله عنهم أجمعين. Meaning, the Messenger (ﷺ) said something, the companions' statements appear to possibly be in conflict, Al-Bayhaqi رحمه الله تعالى said, we don't leave that which is confirmed by the Messenger (ﷺ) for those statements. And as I've indicated, some of them are weak. Look at the Tajarrud, how they were free from blind following.

Ar-Rājih

So the summary is the Hadīth in Muslim is very clear, Hadīth Jābir ibn Samurah is very clear, and also Hadīth Al-Barā' Ibn 'Āzib, where the Messenger (ﷺ) said perform Wudū' from eating the meat of a camel. An-Nawawi رحمه الله تعالى in Al-Majmū' said — An-Nawawi also is Shāfi'ī and he adopted an opinion on this that is not the official opinion of his Madhhab. He said, "Our friends (meaning the people of his Madhhab) used weak matters or arguments in opposition to those two Ahādīth, so I left their

opinion due to its weakness." Our friends used weak matters or arguments in opposition of those two Ahādīth, so I left their opinion due to its weakness. He left the official Shāfi'ī opinion on that matter, that Wudū' is not required from eating the meat of a camel, because he felt that the arguments of his friends in the Madhhab, the 'Ulamā' of the Shāfi'īyyah, are weak. And really that statement of Al-Imām An-Nawawi رحمه الله تعالى sums up everything.

JazākumAllāhu Khayra

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم